

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 25-mj- 5121

EDWUIN ROGELIO LOZANO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 6, 2025, in the County of Erie, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of Title 8, United States Code, Sections 1326(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Thomas J. Coffman
Complainant's signature

THOMAS J. COFFMAN
U.S. BORDER PATROL AGENT
UNITED STATES BORDER PATROL
Printed name and title

Sworn to before me and signed telephonically.

Date: April 24, 2025

Michael J. Roemer
Judge's signature

City and State: Buffalo, New York

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE
Printed name and title

#1

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **Thomas J. Coffman**, being duly sworn, deposes and says that:

1. I am a United States Border Patrol Agent with the United States Border Patrol, within the Department of Homeland Security (DHS), stationed in Buffalo, New York. I have been so employed as a Border Patrol Agent for fourteen (14) years. In such capacity, my official duties include investigating persons who have violated federal immigration laws and other related federal statutes. I have conducted and participated in investigations relating to unauthorized entry in the United States, in violation of Title 8, United States Code, Section 1326(a).

2. As a Border Patrol Agent, I am authorized to investigate violations of laws of the United States, and I am a Law Enforcement Officer with the authority to affect arrests and execute criminal complaints and warrants issued under the authority of the United States. As part of my current duties, I have become involved in an investigation of a suspected violation of Title 8, United States Code, Section 1326(a).

3. I make this Affidavit in support of the Criminal Complaint charging **EDWUIN ROGELIO LOZANO** (hereinafter "the defendant"), born in 1979, in Colombia, an alien, with having been found in the United States after having been previously removed or deported

from the United States, without first applying to the Attorney General, or his successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a).

4. The statements contained in this affidavit are based upon my personal observations, my training and experience, my review of official records, and upon information provided to me by other U.S. Border Patrol Agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 8, United States Code, Sections 1326(a).

5. On or about April 6, 2025, U.S. Border Patrol Agents from the Buffalo Border Patrol Station were conducting surveillance operations when they encountered a vehicle, which they discovered through records checks is registered to a moving company. Further records checks showed that the address of this moving company has been used several times by illegal aliens to register vehicles. For instance, Buffalo Station Agents have apprehended other non-citizens that are in the area working construction and driving out of state registered work vehicles that used the address of the above-referenced moving company.

6. The Agents observed two male subjects, dressed in construction attire, exit a local retailer and enter the vehicle which the Agents had been watching. The Agents then followed this vehicle to a local hotel in an area which has recently been frequented by aliens

working in the Buffalo area. At the hotel both subjects exited the vehicle and began unloading several bags.

7. U.S. Border Patrol Agents approached the two subjects, they identified themselves as U.S. Border Patrol Agents in “plain-clothes” capacity. U.S. Border Patrol Agents then spoke with the two subjects and determined through questioning that the defendant is a citizen and national of Colombia, and not a national of the United States. The defendant admitted to being a citizen and national of Colombia and that he did not have any documents that would allow him to be or remain in the United States lawfully.

8. U.S. Border Patrol Agents took the defendant into custody. As a part of processing, an electronic scan of the defendant’s fingerprints to verify his identity and any immigration history he may have in the United States. This query resulted in an identical biometric match revealing that the defendant had been issued an FBI number as well as an immigration fingerprint identification number.

9. Immigration database record checks associated to a matching “A” number revealed that on December 16, 2020 the defendant was apprehended by CBP Officers at the Denver International Airport and was removed under Expedited Removal Proceedings. The defendant physically departed the United States to Colombia from Denver, Colorado on December 17, 2020.

10. Records checks failed to disclose any record that the defendant had applied for

or received the requisite permission to enter the United States from the Attorney General or the Secretary of Homeland Security.

11. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that the defendant, **EDWUIN ROGELIO LOZANO**, was found in the United States after having been previously deported and removed from the United States, ~~following a conviction~~^{amr}, without first applying to the Attorney General, or the Secretary For the Department of Homeland Security, for permission to re-enter the United States, in violation of Title 8, United States Code, Sections 1326(a).

Thomas J. Coffman

THOMAS J. COFFMAN
U.S. Border Patrol Agent

Sworn and subscribed to before me
telephonically on this 24th day of April, 2025.

Michael J. Roemer

HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge